

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7365 of 2025

Arati Devi Wife of Lagan Mahato Resident of Village- Senduar, P.S.- Ekma,
District- Chapra, Saran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna.
2. The Principal Secretary, Social Welfare Department, Govt. of Bihar, Patna.
3. The Director, I.C.D.S., Directorate, Social Welfare Department, Govt. of Bihar, Patna.
4. Commissioner, Saran, Chapra.
5. District Magistrate, Saran, Chapra.
6. District Programme Officer, Saran, Chapra.
7. C.D.P.O., Ekma, Saran.
8. Ladies Supervisor, Anganbari Centre, Senduar, P.S.- Ekma, District- Chapra, Saran.
9. Minu Kumari, Wife of Late Saroj Prasad Resident of Village- Senduar, P.S.- Ekma, District- Chapra, Saran.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Dhananjay Mishra, Advocate Mr. Surendra Prasad Singh, Advocate Mr. Nilesh Kumar Nirala, Advocate Mr. Amit Prakash, Advocate
For the State	:	Smt. Binita Singh (SC-28)

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL JUDGMENT

Date : 14-05-2026

Heard learned counsel for the petitioner and learned
counsel for the State.

2. The present writ petition has been filed for the
following relief/s:-

*“I. For issuance of an order, direction or
writ in the nature of certiorari/appropriate
for quashing the order dated 24.01.2025
passed by the Court of Learned*



Commissioner, Saran Pramandal, Chapra in the matter of Anganbari Revision Appeal Case No. 31/2020 against the order of Anganbari Appellate Court 1st Appellate Tribunal-Cum-District Programme Officer (I.C.D.S) Saran, Chapra in Anganbari Appellate Case No. 07/2019 dated 13.02.2020 as Revised Order vide Memo No. 482/Pro. dated 28.02.2020.

II. To any other relief or reliefs in which the petitioner is entitled for.”

3. Learned counsel for the petitioner submits that the petitioner was appointed on the post of Anganbari Sevika on 02.08.2019 for Ward No. 13 in Parsa East Panchayat on the reserved seat and in this regard, selection letter was issued under the signature of Lady Supervisor and a copy for the same was given to the District Programme Officer, Saran, Chapra and C.D.P.O, Ekma, Saran and selection letter was issued vide Annexure-P/1. Counsel submits that in the merit list, the name of the petitioner was at serial no.3 belongs to the extremely backward class and the seat in ward no.13 was reserved for scheduled caste. The candidate whose name was in first position belongs to another ward no.14 and the candidate whose name has figured in the second position who is private respondent no.9 here in the present case, belongs to backward class, and so her



name was not considered. Counsel submits that since, there was no candidate against the reserved category as reported by the Supervisor, therefore, in this background, the petitioner was selected and provided the appointment letter. He further submits that after the appointment, objection was filed in which, the petitioner has filed reply through her advocate and the D.P.O., Saran heard all the concerned and found no illegality and rejected the petition filed by the private respondent. Thereafter, the private respondent no.9 has preferred appeal which was decided by the Revisional Authority and allowed the same by setting aside the order passed by the D.P.O and the selection of the petitioner was cancelled with a direction to issue a fresh advertisement.

4. Learned counsel for the petitioner further submits that the petitioner has challenged the said order passed by the Revisional Authority i.e. Commissioner, Saran, Chapra dated 24.01.2025 passed in Anganbari Revision Appeal Case No. 31/2020. He submits that the advertisement was made for the appointment of Anganbari Sevika in Ward No. 13 by virtue of making advertisement specially for SC/ST category in which, the petitioner participated and due to non-availability of the SC/ST candidates, the petitioner has been selected and her selection is completely in accordance with law. He has taken objection that



the said appointment has been made according to the guidelines of 2019 for appointment of Anganbari Sevika & Sahayika, in which the first application has to be filed before the C.D.P.O. Here in the present case, no appeal has been filed before the C.D.P.O and the D.P.O who is the Appellate Authority under the said guidelines of 2019 has directly entertained the appeal and decided the same and thereafter, the revision has been filed. He submits that since inception, a wrong procedure has been adopted, therefore, the orders passed by the D.P.O and the Commissioner be set aside and the matter be remanded back for fresh consideration. He further submits that at no point of time, the advertisement was challenged, but the Revisional Authority at the time of deciding the revision has decided the issue which was never the subject matter of the dispute. Therefore, on this ground also, the order passed by the Commissioner be set aside. He submits that at worst, even if it has been decided that advertisement was not in accordance with law then it is the Director who is the competent authority to decide that whether advertisement is correct or not.

5. Learned counsel for the State, on the other hand, submits that the counter affidavit has already been filed in this case and in the counter affidavit the stand has been taken that the advertisement itself is illegal as according to the guidelines, the



selection has to be made from the category who are in majority. In this regard, the Commissioner has indicated in its operative part of the order that as per the mapping register, the backward category were the majority class. As such, the appointment has to be made only for backward class and not for others. He submits that since, vacancy was made treating SC/ST as major category, therefore, he submits that since inception itself, the said advertisement itself is bad according to law. He further submits that in the order, it is being categorically decided by the Revisional Authority that the selection process was *ab initio void* since its inception and therefore, he cancelled the advertisement itself and also recommended action against those officials due to which this mistake has taken place. He submits that it is well within the jurisdiction of the Revisional Authority to take such point as whether a vacancy is valid or invalid is also within the jurisdiction and domain of the Revisional Authority. On this point that how an Appellate Authority usurp and treat as Original Authority, counsel for the State submits that on this ground, there is no answer stated in the counter affidavit. But, he submits that this objection has been raised by the petitioner for the first time before this Hon'ble Court and the petitioner has not raised such objection either before the D.P.O or before the Commissioner. Therefore, the petitioner ought not to raise this point here at this



juncture.

6. After hearing the parties, it transpires to this Court *vide* Annexure-2 that with regard to ward no.13, a report has come that the majority class was scheduled caste and accordingly, the vacancy has proceeded treating ward no.13 as SC category. But, the Commissioner in his order dated 24.01.2025 categorically observed and inserted a tabular chart indicating the number of respective category in which the backward category was found in majority. Therefore, on this issue, this court is of the opinion that there is no need of any interference in the order passed by the Revisional Authority.

7. So far as the objection raised by the petitioner that the petition was directly entertained by the D.P.O and no original application was filed before the C.D.P.O which is in violation of rule under the guidelines for appointment of Anganbari Sevika & Sahayika, 2019 on which, the State has objection that he cannot raise such point.

8. This Court is of the view that it is a legal question and it can be raised at any stage of the case. Therefore, objection of the State is hereby denied by this Court. But, the contention of the petitioner is not correct that no application was filed before the C.D.P.O and directly the D.P.O has entertained, due to the reason that in the memo of appeal filed before the D.P.O



(Annexure P/3) in para 6, it has been categorically mentioned that an application was filed before the C.D.P.O Ekma, but she has not passed order even after lapse of 30 days. It is due to this reason the appeal is being filed. Therefore, this point which has been raised by the petitioner is a legal point, but due to the presence of the pleading in para 6 of the memo of appeal, it shall not help the petitioner in any manner.

9. Hence, on this ground also, the petitioner could not get any relief and this Court reached on the conclusion that there is no need of any interference in the order passed by the Revisional Authority because the same has been passed with full reasons. Accordingly, this writ petition stands dismissed.

(Dr. Anshuman, J)

Divyansh/-

AFR/NAFR	
CAV DATE	NA
Uploading Date	16/05/2026
Transmission Date	NA

